

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 678741 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416). | |
| International Application No. PCT/AU2002/001334 | International Filing Date (day/month/year) 1 October 2002 | Priority Date (day/month/year) 3 October 2001 |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ F04D 15/02; F04B 49/06; G01L 19/14; G01K 13/02 | | |
| Applicant DAVEY PRODUCTS PTY LTD et al | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of **5** sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:
- I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☒ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

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| Date of submission of the demand 24 March 2003 | Date of completion of the report 13 January 2004 |
| Name and mailing address of the IPEA/AU: AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | Authorized Officer ASANKA PERERA Telephone No. (02) 6283 2373 |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2002/001334

I. Basis of the report

1. With regard to the elements of the international application:*
- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of
2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
4. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/AU2002/001334

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

See the Supplemental Box

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2002/001334

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | |
|-------------------------------|-------------|-----|
| Novelty (N) | Claims 1-21 | YES |
| | Claims | NO |
| Inventive step (IS) | Claims 1-21 | YES |
| | Claims | NO |
| Industrial applicability (IA) | Claims 1-21 | YES |
| | Claims | NO |

2. Citations and explanations (Rule 70.7)

All the documents cited in the ISR were category A only. Therefore the claimed invention is not disclosed in any of these patent documents and hence all the claims are novel.

The claimed invention is not obvious in the light of any of the cited documents nor disclosed in any obvious combination, nor would the claimed invention be obvious to a person skilled in the art in the light of common general knowledge by itself or in combination with any of these documents.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box IV.3

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Examining Authority has found that there are different inventions as follows:

1. Claims 1-11, 20 are directed to a pump controller. It is considered that a metal substrate having a first side exposed to the fluid medium and an insulating medium applied to the second side, the insulating medium having a pressure sensing means and flow sensing means including a source of heat and temperature responsive element, the fluid medium providing a sink for the source of heat, switching means for the pump and processing means for receiving and processing data from the pressure and flow sensing means for producing and output for driving pump switching means comprises a first "special technical feature".
2. Claims 12-19 and 21 are directed to a housing for a sensor substrate having a wet side and dry side in use with a fluid medium. It is considered that a main body for receiving the sensor with an opening for the fluid medium, a first chamber maintained substantially at atmospheric pressure, first sealing means between the opening and the sensor substrate arranged such that a leak path is provided to the first chamber, a closure for the housing including a second chamber exposed to the dry side of the substrate and a second sealing means between the closure and the first chamber to substantially prevent ingress of the fluid medium to second chamber comprise a second "special technical feature".

Since the above mentioned groups of claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept, a priori.